

# JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

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SEN. TONY MUÑOZ  
SEN. SUE REZIN  
SEN. PAUL SCHIMPF  
REP. TOM DEMMER  
REP. MIKE HALPIN  
REP. FRANCES HURLEY  
REP. STEVEN REICK  
REP. ANDRÉ THAPEDI

## MINUTES

December 15, 2020

### MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on Tuesday, December 15, 2020, at 11:30 a.m. in Room C-1 of the Stratton Building, Springfield IL. Co-Chair Wheeler called the meeting to order and announced that the policy of the Committee is to allow only representatives of State agencies to testify orally on any rule under consideration at Committee meetings. Other persons are encouraged to submit their comments to the JCAR office in writing.

### ATTENDANCE ROLL CALL

|                            |                                 |
|----------------------------|---------------------------------|
| X Senator Bill Cunningham  | X Representative Tom Demmer     |
| X Senator John Curran      | X Representative Mike Halpin    |
| Senator Kimberly Lightford | X Representative Frances Hurley |
| X Senator Tony Muñoz       | X Representative Steven Reick   |
| X Senator Sue Rezin        | X Representative André Thapedi  |
| X Senator Paul Schimpf     | X Representative Keith Wheeler  |

### APPROVAL OF THE MINUTES OF THE NOVEMBER 14, 2020 MEETING

Rep. Halpin moved, seconded by Sen. Rezin, that the minutes of the November 14, 2020 meeting be approved. The motion passed unanimously (11-0-0).

### REVIEW OF AGENCY RULEMAKINGS

*Department of Human Services – Temporary Assistance for Needy Families (Emergency) (89 Ill. Adm. Code 112; 44 Ill. Reg. 16513)*

Sen. Schimpf moved, seconded by Rep. Hurley, that, although it recognizes the personnel shortages State agencies have experienced during the COVID-19 disaster period, JCAR recommend that DHS give more attention in the future to implementing regularly scheduled annual updates in a timely manner so it does not need to unduly resort to emergency rulemaking. The motion passed unanimously (11-0-0).

### CONSIDERATION OF OTHER RULEMAKINGS AND ISSUES

*State Board of Education – Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1; 44 Ill. Reg. 12073)*

Rep. Demmer moved, seconded by Sen. Muñoz, that JCAR, with the concurrence of the State Board of Education, extend the Second Notice period for this rulemaking for an additional 45 days. The motion passed unanimously (11-0-0).

***Pollution Control Board – Ethylene Oxide Ambient Air Monitoring (35 Ill. Adm. Code 249; 44 Ill. Reg. 2216)***

Rep. Thapedi moved, seconded by Sen. Curran, that JCAR, with the concurrence of the Pollution Control Board, extend the Second Notice period for this rulemaking for an additional 45 days. The motion passed unanimously (11-0-0).

***Department of Corrections – Records of Offenders (Emergency) (20 Ill. Adm. Code 107; 44 Ill. Reg. 16495)***

Robert Fanning and Alyssa Williams represented DOC.

Rep. Thapedi: Please explain to me what you are proposing and why it is an emergency.

DOC: The requirement in the Unified Code of Corrections is that, prior to the award of any earned discretionary sentencing credit (EDSC), the individual must have served 60 days of his or her sentence. The rules have referred to the 60 days as having been served in the custody of DOC. When Executive Orders were issued temporarily halting admissions to DOC facilities, some offenders ended up serving 4-5 months of their sentences in county facilities before moving to DOC. This emergency rule lets DOC count the time spent in county facilities toward the 60 day requirement.

Rep. Thapedi: The individuals that you are referring to are obviously convicted, with sentences exceeding 365 days, correct?

DOC: Correct.

Rep. Thapedi: Does the 60 day time period have any impact on when an individual would be released?

DOC: No. Part of the current rule's requirement is that, before DOC can award someone EDSC, he or she must have served 60 days with DOC.

Rep. Thapedi: With DOC, even though they may be housed elsewhere, correct?

DOC: Right. Even though they may have just served 5 total months in a county facility, they were sentenced to DOC but couldn't get to DOC because intake had been shut down.

Rep. Thapedi: So the emergency rule does what? Does it allow them to leave county facilities and go home? Will there be home monitoring? Will they be subject to parole officers from the IDOC? How does that work?

DOC: Basically this rule allows DOC to conduct the review for the suitability of release once the offender has served 60 days of the sentence, regardless of whether that service took place in a DOC facility.

Rep. Thapedi: And the emergency situation is that we're in the midst of a pandemic, you are overly crowded, and you're looking for some relief?

DOC: We were looking for the ability to create space to properly isolate and quarantine the prison population during the pandemic.

***Illinois Housing Development Authority – Emergency Mortgage Assistance (EMA) Program (Emergency) (47 Ill. Adm. Code 301; 44 Ill. Reg. 17458) and Emergency Rental Assistance (ERA) Program (Emergency) (47 Ill. Adm. Code 379; 44 Ill. Reg. 17474)***

Rep. Thapedi moved, seconded by Sen. Schimpf, that JCAR object to these rulemakings because they were adopted more than a month after IHDA had stopped accepting applications for these grant programs. Implementing policy outside of rule is prohibited under the IAPA. The motion passed unanimously (11-0-0).

***Department of Public Health – Illinois Veterans' Homes Code (Emergency) (77 Ill. Adm. Code 340; 44 Ill. Reg. 18994)***

Justin DeWitt, Chief of Staff, represented DPH.

Sen. Schimpf: Thank you for the work DPH is doing to improve the situation in these veterans' homes. With regard to this rulemaking, I had a couple of quick questions. First, I see that it was filed on November 19. How long has it actually been in the works?

DeWitt: Well in advance of November 19. All of the emergency rules on this agenda, not just this particular emergency rule, are renewals of emergency rules that were already in place and updates reflecting new CDC infection control guidance.

Sen. Schimpf: So this is not a response to the tragedy at the LaSalle Veterans' Home? It was in the works long before that?

DeWitt: That is correct.

Sen. Schimpf: Was the data that was gathered at the LaSalle Veterans' Home site visit included or taken into account by this rule?

DeWitt: No.

Sen. Schimpf: Sen. Cullerton, Chair of the Senate Veterans Affairs committee, and I, the minority spokesman, sent a letter to Dr. Ezike, I think on December 9, asking for information as a follow-up to the hearing that we held. I haven't gotten a response to that letter and wanted to call it to your attention. We certainly would like an acknowledgment that the letter was received, as well as some follow-up by your agency to get us the information we've requested.

DeWitt: Certainly. I can acknowledge that the letter was received. As you know, we're rolling out a vaccine across Illinois this week, so I'd beg your indulgence as it will take a little time to pull the requested material together.

Sen. Schimpf: Thank you. Since this is my last JCAR meeting, I would like to thank my fellow Committee members. It has been a privilege and an honor to work with you. I would also like to thank the JCAR Staff; you are truly top-notch professionals. This Committee has truly been one of my favorite parts of being a State senator – the collaboration, the thorough staff work, and the discussions are something that the rest of the General Assembly could really learn some lessons from. So thank you, and I have truly enjoyed my time on this Committee.

Rep. Thapedi: Is DPH actually coordinating the responses to the letter Sen. Schimpf mentioned, is the Governor's office coordinating those responses, or is the Department of Veterans' Affairs coordinating those responses?

DeWitt: It's really all three. The Governor's office, as well as DVA and DPH, are very tightly together on pretty much every issue going on right now about veterans' homes. And so it is a coordinated effort and there is information that is between both agencies as well as the Governor's office. Ultimately, I think the Governor's office will coordinate whatever response comes out. But we understand the request, and I believe there is a hearing tomorrow where more information will probably be shared.

Rep. Thapedi: I appreciate the candor, especially since I too have made a request for information consistent with the House Judiciary-Civil Committee's investigation into occurrences at that facility. I received some responses, but they didn't really provide any information. So I'm hoping the collaborating agencies will be more forthcoming with information.

### **EXPEDITED CORRECTIONS**

***State Board of Education – Registered Apprenticeship Program (23 Ill. Adm. Code 255; 44 Ill. Reg. 17491; eff. 8/27/20)***

***State Board of Education – Student Records (23 Ill. Adm. Code 375; 44 Ill. Reg. 16938; eff. 7/28/20)***

***Department of Financial and Professional Regulation – Credit Union Act (38 Ill. Adm. Code 190; 44 Ill. Reg. 19091; eff. 11/13/20)***

***Department of Revenue – Income Tax (86 Ill. Adm. Code 100; 44 Ill. Reg. 18498; eff. 10/13/20)***

Sen. Muñoz, seconded by Rep. Reick, moved that JCAR certify the corrections effective on the dates specified. The motion passed unanimously (11-0-0).

### **AGENCY RESPONSES**

***State Board of Education – Registered Apprenticeship Program (23 Ill. Adm. Code 255; 44 Ill. Reg. 4553)***

***Department of Healthcare and Family Services – Hospital Services (89 Ill. Adm. Code 148; 44 Ill. Reg. 10065)***

Due to the appropriateness of the agencies' responses, no further action was taken.

### **CERTIFICATION OF NO OBJECTION**

Rep. Halpin moved, seconded by Sen. Rezin, that the Committee inform the agencies to whose rulemakings the Committee has not voted an Objection or Extension, or did not remove from the No Objection List, that the Committee considered their respective rulemakings at the monthly meeting and, based upon the Agreements for modification of the rulemaking made by the agency, no Objections will be issued. The motion passed unanimously (11-0-0).

### **ANNOUNCEMENT OF JANUARY MEETING DATE**

Co-Chair Wheeler announced that the next JCAR meeting is scheduled for Tuesday, January 12, 2020, at 11:00 a.m. in Springfield IL. He stated that the committee expresses best wishes to Sen. Schimpf, as this was his last JCAR meeting. It was a pleasure working with him.

### **ADJOURNMENT**

Co-Chair Cunningham moved, seconded by Sen. Schimpf, that the meeting stand adjourned. The motion passed unanimously (11-0-0).